DOCUMENT RESUME

ED 435 142 EA 030 127

TITLE	A Provider's Guide to Transporting Students with Disabilities in Minnesota.
INSTITUTION	Minnesota State Dept. of Children, Families, and Learning, St. Paul.
PUB DATE	1998-00-00
NOTE	65p.
AVAILABLE FROM	Minnesota Educational Services, Capitol View Center, 70 West Co. Rd. B2, Little Canada, MN 55117-1402 (Catalog No. E605, $5 within Minnesota, or $7.95 outside Minnesota). Tel: 800-652-9024; Fax: 612-415-5508.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	Disabilities; Elementary Secondary Education; School Buses; *Special Education; *Special Needs Students; *Student Transportation
IDENTIFIERS	*Minnesota; Transportation Supervisors

ABSTRACT

This guide was designed as a reference for school administrators in special education and transportation to help them in arranging for and providing special transportation for students with disabilities. The guide has four chapters that examine: (1) questions often asked about a school district's responsibility for special transportation; (2) situations where education or transportation variables sometime obscure clear understanding of school-district responsibility for providing the education program or special transportation; (3) funding of special transportation, including a variety of examples; and (4) resource personnel who can be contacted within the Minnesota Department of Children, Families and Learning, or the Department of Public Safety. Some of the topics addressed include helping students on and off the bus, length of time on the bus, revocation of bus privileges, day care, use of parent's personal vehicle, selecting special bus equipment, modifying vehicles with federal funds, age limit of school buses, wheelchair orientation and tie-downs, and public transportation. Other topics include early childhood concerns, homeless students, transition programs, care and treatment, charter schools, Minnesota Academies, nonpublic schools, eligibility for aid, reporting examples, vehicle inspections, special-education program compliance, and transportation safety. A glossary of terms, titles, and acronyms appears at the end of the guide. (RJM)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 435 142

SCOPE OF INTEREST NOTICE

The ERIC Facility has assigned this document for processing to: EA

In our judgment, this document is also of interest to the Clearinghouses noted to the right. Indexing should reflect their special points of view. EC

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

C. Hanson

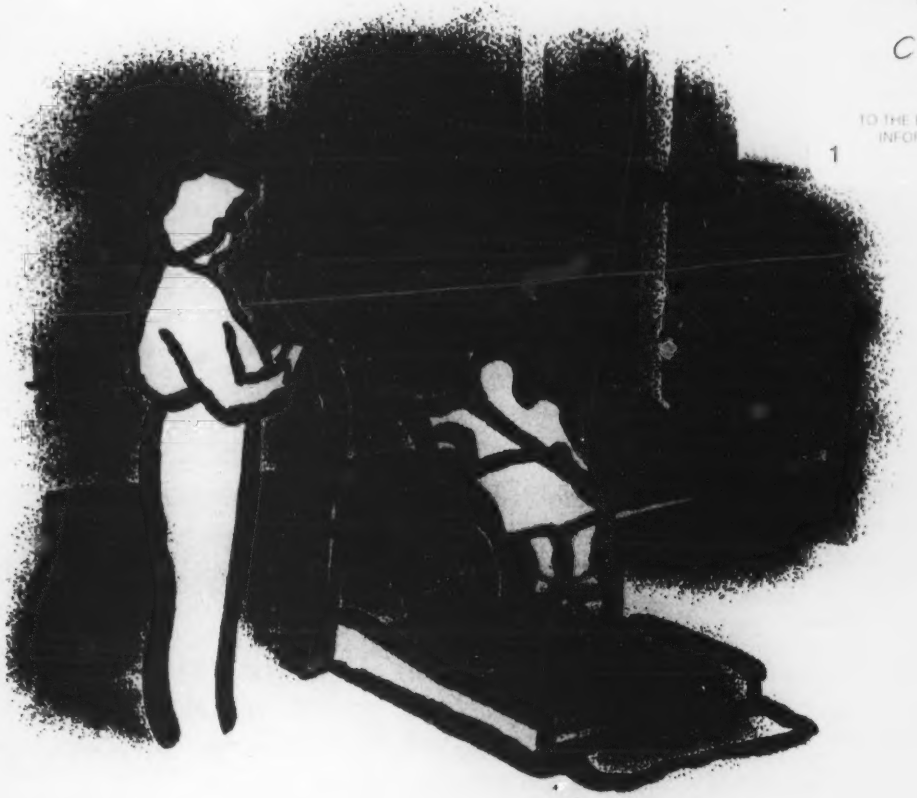
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

1

A Provider's Guide to

Transporting Students with Disabilities

IN MINNESOTA



EA 030127

MINNESOTA DEPARTMENT OF

Children, Families & Learning

BEST COPY AVAILABLE

© 1998 Minnesota Educational Services

Permission is granted to Minnesota school districts and special education cooperatives to duplicate this document for non-profit educational use. All others require written permission from the Minnesota Department of Children, Families and Learning. Inquiries should be referenced to the Manager, Division of Special Education, 8th floor, Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101-2273

1st Printing
1998

The above publicly funded agencies and associated units of government as well as the private individuals who have participated in the development and distribution of this product believe in equal opportunity and do not discriminate on the basis of race, color, national origin, creed, sex, sexual orientation, marital, political or economic status, or disability.

This guide may be made available in alternative formats upon request to specific service agencies. Please contact the appropriate service provider of the type of format you desire for more information.

7387
598700

Catalog #E605
A Provider's Guide to Transporting Students with Disabilities in Minnesota

Tel. (612) 415-5379
or toll free
1- 800- 652- 9024
FAX (612) 415-5508

This publication is available within Minnesota for $5.00 or outside Minnesota for $7.95 (comes without 3-ring binder or add for $3.95) from the Minnesota Educational Services which is supported by the State of Minnesota, Department of Education. You may contact Minnesota Educational Services at Capitol View Center, 70 West Co. Rd. B2, Little Canada, MN 55117-1402.

Please Add $4.00 Post & Packing per order.

A Provider's Guide to
Transporting Students with Disabilities
in Minnesota

Barbara Zohn, Enrollment Options
Lorie Schulstad, Monitoring and Compliance
Linda Schroeder, Pupil Transportation
Mike Trepanier, Specal Education
Sharon Peck, Data Management
Barbara Stilwell, Monitoring and Compliance
Robert W. Fischer, Pupil Transportation
Robert H. Fischer, Special Education
Keith Kupcho, Special Education; Project Coordinator

Minnesota Department of Children, Families& Learning
550 Cedar Street
St. Paul, MN 55101

Tel: (612) 296-6104 TDD: (612) 297-2094 http://cfl.state.mn.us

1998

MINNESOTA DEPARTMENT OF

Children, Families & Learning

TABLE OF CONTENTS

Table of Contents iii

Welcome vii

Introduction ix

Chapter 1 Questions and Answers

This Chapter Provides 1

Questions Most Often Asked 2

1. Transportation on IEP or 504 Accommodation Plan 2
2. Transportation Staff at Planning Meetings 2
3. Helping Students To the Bus 2
4. Helping Students On or Off the Bus 2
5. Length of Time on Bus 2
6. Length of School Day 3
7. Drop-Off Time: No One Home 3
8. Resident District Closed; Program District Open 3
9. Field Trip Fee 3
10. Age Limit for Transportation 3
11. Revocation of Bus Privileges 4
12. Day Care 4
13. Respite Care 4
14. Parent Choice of School within District 5
15. Home School 5
16. Requiring Parents to Transport 5
17. Use of Parent's Personal Vehicle 5
18. Driver's License Endorsement 6
19. Driver Training – General 6
20. Driver Training – Special 6
21. Bus Assistants 7
22. Bus Assistant Training 7
23. Student Training 7
24. Responsibility when Contracting 7
25. Selecting Type of Vehicle 8
26. Selecting Special Bus Equipment 8
27. Purchase Bus Equipment with State Funds 8
28. Purchase Vehicle with Federal Funds 8
29. Modify Vehicle with Federal Funds 8
30. Vehicle Inspection 8
31. Age Limit of School Buses 9
32. Wheelchair Orientation 9
33. Wheelchair Tie-Downs 9
34. Emergency Health Card 9
35. Two-Way Radios 10
36. Public Transportation 10

Early Childhood 11

37. Age Of Eligibility for Transportation 11
38. Carrying A Child On or Off the Bus 11
39. Transporting Parent and Child to Early Childhood Program 11
40. Selecting a Car Seat 11

Homeless Students 12
41 Transportation at Beginning of Year 12
42 Enrollment of Homeless Students 12
43 Transportation Following Late Enrollment 12
44 Program Preferences of a Homeless Family 12

Transition Programs 13
45 Transportation during the Day 13
46 Vehicle Options for During-the-Day Transportation 13
47 Transportation outside School Hours 13
48 Sharing the Cost of Transportation 13

Chapter 2 Situations - Who Must Transport

This Chapter Provides 1

Resident District 2
Situation 1 Education Program in Resident District 2

Second District 3
Situation 2 Education Program in Second District 3

Residential Facility 4
Situation 3 Residential Facility in Second District 4

Day Treatment 5
Situation 4A Day Treatment in Resident District 5
Situation 4B Day Treatment in Second District; Education Program in Resident District 6
Situation 4C Day Treatment and Education Program in Second District 7

Care and Treatment 8
Situation 5A Care and Treatment or Residential Placement in Resident District 8
Situation 5B Care and Treatment in Second District 9
Situation 5C Care and Treatment in Second District; Education in Third District 10

Options Program 11
Situation 6A Educational Options District Provides Special Program 11
Situation 6B Educational Options District Makes Placement in Third District 12

Charter School 13
Situation 7A Enrollment in Charter School in Resident District 13
Situation 7B Enrollment in Charter School in Second District 14
Situation 7C Placement in Charter School by Resident District 15

Minnesota Academies 16
Situation 8 Minnesota Academies 16

Nonpublic School 17
Situation 9A Nonpublic School in Resident District 17
Situation 9B Nonpublic School in Resident District; Shared Time Program by Resident District 18
Situation 9C Nonpublic School Out of District; Only Special Transportation Required 19
Situation 9D Nonpublic School Out of District; Special Program in Resident District 20
Situation 9E Nonpublic School Out of District; Special Program in Another District 21

Chapter 3 TRANSPORTATION FUNDING AND REPORTING

This chapter provides 1

Special Funding 2

Reporting Forms 2

Finance Dimensions and Their Funding Sources 3

Eligibility for Aid; Student and Expenditure Reporting 4
Regular Category (Finance Dimension 720) 4
Disabled Category (Finance Dimension 723) 4

Reporting Examples 5
Example 1: Regular and Special Routes Daily 5
Example 2: Regular and Special Routes Part of Year 5
Example 3: Work Experience Program 6
Example 4: Co-Curricular Activity or Field Trip Required by IEP or 504 Accommodation Plan 6
Example 5: Care and Treatment During the School Day 7
Example 6: Open Enrollment and Special Route from Home to School 7

Chapter 4: PERSONNEL RESOURCES

This chapter provides 1

Alternative Learning Centers (ALC); Other Alternative Programs 1
Charter Schools 1
Driver Licensing, School Bus 1
Driver Training, School Bus 1
Education Options Programs (e.g., Open Enrollment; Graduation Incentives; Postsecondary) 1
Equipment Requirements, School Bus 1
Early Childhood Special Education 1
Homeless Students 1
Inspections, School Bus 1
MARSS Coding and Pupil Accounting 1
Open Enrollment, and other Education Options Programs 1
Public Safety, Dept of 1
Regular Transportation 1
Section 504 2
Special Education Program Compliance 2
Special Education Funding 2
Special Transportation 2
Student Safety Training 2
Training 2
Transition, Special Education 2
Transportation 2
Transportation Funding 2
Transportation Reporting 2
Transportation Safety 2
Tuition Billing, Special Education 2
UFARS Accounting 2
DCFL General Information Number 2

Glossary

Appendix
- A School Bus Definitions 3
- B Intra-District Choice and Special Education Transportation Concerns 5
- C Transportation and Open Enrollment 7

Index (Distributed at later date)

Comment Feedback Form

WELCOME

This Provider's Guide to Transporting Students with Disabilities was written *specifically* for Minnesota school district administrators of transportation and special education. Other central office administrators and staff may also find it helpful.

The authors have sought to answer many of the questions frequently asked about a school district's responsibility for transporting students with disabilities to the many program opportunities available to them today. Considerable care was given to making the Guide as accurate as possible. The Guide, however, *does not* constitute legal advice. School district staff should seek legal counsel as necessary.

I wish to thank the authors of the Guide. They worked long and carefully to bring this project to completion. Representing program areas from across the Department of Children, Families & Learning, their collected knowledge was critical to addressing the broad issues, difficult questions and complex transportation situations confronting school administrators today. My thanks to:

Barbara Zohn, Enrollment Options
Sharon Peck, Data Management
Linda Schroeder and Robert W. Fischer, Pupil Transportation
Lorie Schulstad and Barbara Stilwell, Monitoring and Compliance
Keith Kupcho, Mike Trepanier, and Robert H. Fischer, Special Education

My thanks also to other Department staff who worked with the authors to identify transportation issues affecting the education programs with which they are associated:

Robyn Widley, Early Childhood Special Education
Sandy Thompson, Special Education Transition Services
Tom Gray, Education of Homeless Individuals
Bill Allen, Charter Schools

Others professionals from outside the department were asked to critique a draft of the Provider's Guide. Special thanks to the transportation and special education directors and coordinators, independent contractors, and education consultants who participated in this review. Their comments and suggestions were extremely valuable to the authors. From transportation: Barbara Dorry, Director of Transportation, Burnsville; Kate Goodwill, Special Education Transportation Coordinator, Anoka; Rose Linden, Director of Transportation, Eden Prairie; Carolyn Oakes, Special Education Transportation Supervisor, Minneapolis; Jeff Turnquist, Director of Transportation, Osseo; Jan Dittbrenner, Director, Wide Area Transportation System; and Patrick Regan, Owner/Operator, Hastings Bus Company.

From special education: Sue Butler, Director of Special Education, Anoka; Carla Schulz, Special Education Supervisor, Intermediate District 917; Denny Ulmer, Director of Special Education, Bemidji Regional Interdistrict Council; Jo Gascoigne, special education consultant; and Katie Herman, editing consultant.

Wayne Erickson, Manager
Division of Special Education

INTRODUCTION

The Provider's Guide to Transporting Students with Disabilities in Minnesota was specifically designed as a reference for school district administrator of transportation and special education. Its primary purpose is to assist them in arranging for and providing *special* transportation for students with disabilities. The Guide has four chapters:

- Questions (and answers) often asked about a school district's responsibility for *special* transportation
- Situations where education or transportation variables sometimes obscure clear understanding of school district responsibility for providing the education program or *special* transportation
- Funding of *special* transportation, including a variety of examples
- Resource personnel who can be contacted within the Minnesota Department of Children, Families & Learning, or the Department of Public Safety

A Glossary of terms, titles and acronyms is located at the back of the Guide.

Although considerable care was given to making this Guide as accurate as possible, the Guide *does not* constitute legal advice. School districts should seek legal counsel as necessary.

The Provider's Guide is designed so that in the future, when laws, rules or regulations change, selected pages in the Guide can also be changed. When changes occur, the affected pages will be up-dated and distributed.

Suggestions about the content and format of the Guide would be appreciated. Please use the self-addressed comment form inside the back cover.

Chapter 1: QUESTIONS AND ANSWERS

This chapter provides answers to questions about:

- Transporting students with disabilities who require special transportation
- Transporting homeless students with disabilities who require special transportation
- Transporting high school students with disabilities who are in a secondary transition program and require special transportation
- Transporting infants, toddlers and young children with disabilities who are in an early intervention or early childhood special education program and require special transportation

NOTE: This Provider's Guide does not constitute legal advice. School districts should seek legal counsel as necessary.

~ See the GLOSSARY for a definition or description of words, terms, acronyms, or program names and titles used in this chapter.

Questions Most Often Asked

1. **TRANSPORTATION ON IEP OR 504 ACCOMMODATION PLAN. Should special transportation always be specified on the IEP or 504 Accommodation Plan?**

   Transportation is usually not addressed on the IEP unless special transportation is required because of the student's disability. Appropriate transportation accommodations must be specified and written into the IEP or 504 Accommodation Plan.

2. **TRANSPORTATION STAFF AT PLANNING MEETINGS. Should a transportation representative be invited to an IEP or 504 Accommodation Plan meeting?**

   A transportation representative usually does not need to be invited to an IEP or 504 Accommodation Plan meeting. However, if transportation services are urgent or unusual, a transportation representative with decision-making authority should be invited in order to provide information about transportation options and to be made aware of any need for special equipment or special training of bus personnel before transportation services begin. Services cannot be denied in the interim.

3. **HELPING STUDENTS <u>TO</u> THE BUS. Who is responsible for getting students from their home to the school bus?**

   It is the parents' responsibility to have their child meet the school bus at the street, curb, or driveway, unless that responsibility has been modified and agreed to through the Section 504 or IEP process. The district is not required to have the bus driver or bus assistant enter the student's residence (e.g., house, apartment building). School district policy cannot limit or override special transportation accommodations identified in a student's IEP or 504 Accommodation Plan.

4. **HELPING STUDENTS <u>ON OR OFF</u> THE BUS. How much assistance should a school bus driver or bus assistant provide to a student who is boarding or leaving the bus?**

   These decisions are made on an individual basis and specified in a student's IEP or 504 Accommodation Plan. School districts may also have policies and procedures which deal with this subject. M.R. 7470.1700, Subp. 3.C requires that "Each driver and aide assigned to a vehicle transporting pupils must assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus..."

5. **LENGTH OF TIME ON BUS. What is the maximum length of time that a student with a disability can ride on a school bus?**

   M.R. 7470.1600, Subp. 3, provides that "The length of time a child with a disability is transported shall be appropriate to the physical, mental, and emotional well being of the child. In general, a child with a disability should not spend more time in transit than a child without a disability except as may be required because of the unique location of the child's education program."

6. **LENGTH OF SCHOOL DAY. Can the instructional day of a student with a disability be shortened or lengthened to accommodate existing transportation schedules?**

The transportation schedule cannot be used as a reason to shorten or lengthen the student's school day. The length of the instructional day for students with disabilities must be the same as the length for all other students of their age in the district. In cases where a student's IEP or 504 Accommodation Plan requires either a shortened or lengthened school day, transportation must be provided at the times specified.

7. **DROP-OFF TIME: NO ONE HOME. When special transportation is being provided, what should a school bus driver do if a responsible person is not home to receive the student after school?**

The driver should check the student's emergency health card to see if the student can be left alone, or if there is an alternate destination listed. Out of concern for the student's safety and the district's liability, the school district should have a policy addressing further action to be taken by the bus driver.

8. **RESIDENT DISTRICT CLOSED; PROGRAM DISTRICT OPEN. When the resident district schools are closed, must the resident district transport students to programs that are in session in other school districts?**

It depends on *why* the resident district schools are closed. If resident district schools are closed because of a non-emergency condition (e.g., teacher conferences, district holiday of choice), the resident district must transport students attending other districts whenever the programs in the other districts are in session. However, if resident district schools are closed because of emergency conditions (e.g., severe weather, icy roads), the resident district does not have to transport students to programs in other districts even though the schools or the programs in the other districts are open.

9. **FIELD TRIP FEE. Can a student with a disability be charged a student fee to participate in a field trip with classmates?**

The student with a disability would pay the same student fee as all other students, even if it costs more to transport that student.

10. **AGE LIMIT FOR TRANSPORTATION. At what age is a student no longer eligible for transportation services from the school district?**

Students who turn age 22 before September 1 are not eligible for program or transportation services (See M.S.126.22, subd 2b). Students who turn age 22 on or after September 1 are eligible for program and transportation services through the end of the school year, provided they have an IEP or 504 Accommodation Plan and have not previously been granted a diploma (See M.S.120.17, subd 1).

11. REVOCATION OF BUS PRIVILEGES. Can students with disabilities have their bus riding privileges revoked?

Yes, except for certain conditions. Under state law, transportation to school is not a right, but a privilege which may be revoked for violations of school bus rules (M.S. 123.801). This provision of state law applies to all students, but there are some conditions that limit a revocation of this privilege.

Transportation as a related service. If transportation is listed as a related service on a student's IEP or 504 Accommodation Plan, the district must provide alternative transportation if school bus privileges are revoked. A related service may not be taken away without due process, which means a team meeting and parent agreement.

Behavior must not be a manifestation of a disability. If a student's IEP or 504 team determines the student's behavior is a manifestation of a disability, it could be unfairly discriminatory to revoke all transportation options if it meant the student could not attend school for more than 10 consecutive school days.

Disciplinary action on the bus. Disciplinary action by the bus driver or a bus assistant must comply with all provisions on a student's IEP or 504 plan, if there are any such provisions. Except for an emergency situation, the bus driver or assistant may not improvise their own disciplinary procedures, which would conflict with an IEP or 504 plan.

12. DAY CARE. Must a school district provide special transportation between a child's day care provider and the child's special education program?

School districts' may transport students with disabilities to and from day care just as it does for students without disabilities. Exceptions from district policy must be made by the student's IEP or 504 team.

13. RESPITE CARE. Who is responsible for transportation when a student is temporarily placed in respite care?

Respite care is not the same as care and treatment or foster care, and should not be confused with this placement. M.S. 124.225, subd. 1(b)(4)(i), provides that a school district may designate a respite care facility as the home of the pupil for all or part of the day. If the facility is located within the district where the student currently resides, the resident district is responsible for transportation.

When respite care is located outside the resident district, the law is silent about which district is responsible for transportation back to the current program in the resident district. Technically, the district in which the student is currently living must provide the student with an education program (see M.S. 120.06). However, because respite care is usually for a relatively brief period of time (often only a week or two), it is reasonable to consider transporting the student back to the resident district and the education program which is already in place.

This method is far less disruptive to the student's education than any other alternative. The districts involved should work out an agreement regarding transportation that will ensure the student can access an appropriate education program. Some districts have interagency agreements with social services that identify who will provide and pay for transportation when there are out-of-district placements for respite care.

14. **PARENT CHOICE OF SCHOOL WITHIN DISTRICT. If a school district allows parents or students to choose a school outside their regular attendance area, but within the district, with the condition that parents (or the student) must provide transportation to and from the school of choice, does the district have to provide transportation to the school of choice for students with disabilities?**

The district is only required to transport those students who, because of the severity of their disabilities, require special transportation (as specified in the student's IEP or 504 Accommodation Plan) in order to take advantage of this option. It is suggested that the school board have a policy that clarifies when transportation services will be provided in an intra-district choice situation. See the Appendix for Department memorandum on this subject.

15. **HOME SCHOOL. Must a school district transport a child who is home schooled, but has a disability that requires special education services at a site located somewhere other than the child's home?**

Home schools are nonpublic schools. Therefore, the school district's responsibility for transportation is the same as it is for other nonpublic shared-time students.

16. **REQUIRING PARENTS TO TRANSPORT. When students with disabilities require special transportation, is the school district obligated to provide it, or can the school district require parents to provide the transportation?**

Transporting students with disabilities who require special transportation is the responsibility of the school district. A district cannot require parents to transport. However, transportation by the parents through a contractual agreement is one alternative that can be explored. In some instances parents may be willing or even prefer to transport their child themselves. If, however, the school district offers reasonable transportation, and the parent's decline the offer, the district is not obligated to reimburse the parents for transportation.

17. **USE OF PARENT'S PERSONAL VEHICLE. What issues need to be considered when a student with a disability is transported in the family's own vehicle?**

If the parents agree to transport their child, the district should treat the transportation arrangement as it would any other contractual agreement, i.e., reimbursement and other considerations as determined through negotiation and district policy. Such a contractual agreement, however, does not eliminate the district's responsibility to ensure safe transportation for the students. It may be prudent on the part of the district to check the driving record of all drivers who might transport the student in the family vehicle. Also, the district may require that the owner of the vehicle carry adequate and current insurance on the vehicle and its occupants.

18. **DRIVER'S LICENSE ENDORSEMENT. When transporting a student with a disability in a car, station wagon or van (i.e., Type III school bus), are teachers or any other staff person, including contracted drivers, required to have a school bus endorsement on their license?**

Neither state law nor federal regulations require drivers of cars, station wagons or vans (Type III school bus) to have a school bus endorsement on their license, so long as the manufacturer's rated seating capacity is ten or fewer persons, including the driver. However, a school district is required to include in its transportation policies the qualifications of individuals who drive Type III school buses. A district may require that the license of anyone who transports students must include a school bus endorsement, regardless of the size of the vehicle driven.

19. **DRIVER TRAINING - GENERAL. What training is required for all school bus drivers?**

M.S. 171.321, subd. 4, provides that drivers of school bus Types A, B, C and D (see Glossary for description) must receive training and be evaluated annually to determine if they can demonstrate competency in the following six areas:

a. Safely operate the type of school bus the driver will be driving
b. Understand student behavior, including issues relating to students with disabilities
c. Ensure orderly conduct of students on the bus and handle incidents of misconduct appropriately
d. Know and understand relevant laws, rules of the road, and local school bus safety policies
e. Handle emergency situations
f. Safely load and unload students

The local school board determines the level of training for drivers of Type III school buses. Training requirements must be part of the district's transportation policy.

20. **DRIVER TRAINING - SPECIAL. What additional training is required for a bus driver who transports students with disabilities on a special transportation route?**

One of the competencies required of drivers by Minnesota Statute is an understanding of student behavior, including issues relating to students with disabilities. In addition, M.R. 7470.1700, Subp. 3, requires that each driver:

a. Be instructed in basic first aid procedures for the pupils under their care
b. Within one month after the effective date of assignment, participate in a program of in-service training on the proper methods for dealing with the specific needs and problems of pupils with disabilities
c. Assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus
d. Ensure that protective safety devices, as required in M.R. 7470.1600, Subp. 6, are in use and fastened properly

Furthermore, it is recommended that a driver of any route that includes students with disabilities receive appropriate training as noted in the Department of Public Safety Rules.

21. **BUS ASSISTANTS. Is a bus assistant (aide) required when transporting students with disabilities?**

This decision is made on an individual basis by the student's IEP or 504 team. Severity of the student's disability, distance traveled, density of population, terrain, and any other factors may be considered. The need to assist or control the behavior of a student, or number of students, may also indicate the need for a bus assistant.

22. **BUS ASSISTANT TRAINING. What training is required of a bus assistant?**

The training requirements in M.R. 7470.1700, Subp. 3 apply to both drivers and assistants. See previous question and answer.

23. **STUDENT TRAINING. What training is required for students with disabilities who are transported on school buses?**

M.S. 123.7991 provides that all students in grades kindergarten through ten who are transported on school buses must receive both classroom and on-the-bus training. Students must demonstrate knowledge and understanding of the following competencies and concepts:

a. Transportation by school bus is a privilege and not a right
b. District policies for student conduct and school bus safety
c. Appropriate conduct while on the school bus
d. The danger zones surrounding a school bus
e. Procedures for safely boarding and leaving a school bus
f. Procedures for safe street or road crossing
g. School bus evacuation and other emergency procedures

Reasonable accommodations must be made in training students with disabilities or those students known to speak English as a second language. M.S. 123.7991 states that, "A school district may deny transportation to a student who fails to demonstrate the competencies... unless the student is unable to demonstrate the competencies because of a disability..." A student who is unable to achieve the competencies due to a disability should have all past training efforts reviewed. It is recommended that all training efforts, waivers, accommodations or exceptions be specified on the student's IEP or 504 Accommodation Plan.

24. **REPONSIBILITY WHEN CONTRACTING. If a district contracts for transportation services with a private contractor or individual, is the district still responsible for student safety and appropriate service within state law or rule?**

A district cannot "contract away" its responsibility for student safety and appropriate service. Additionally, the district must ensure the contractor meets all legal requirements for student transportation.

25. **SELECTING TYPE OF VEHICLE. Who determines the type of vehicle that is to be used to transport a student with a disability?**

M.R. 7470.1600, Subp. 4, provides that "The school district shall determine the type of vehicle used to transport pupils with a disability on the basis of the disabling conditions of those pupils."

26. **SELECTING SPECIAL BUS EQUIPMENT. Who determines what special equipment will be used on the bus to transport a student with a disability?**

M.R. 7470.1600, Subp. 6, provides that specially adapted seats, supports, and/or protective devices must be selected by the school district in consultation with the pupil's parents and on the basis of the specific needs of the individual pupil with a disability.

27. **PURCHASE BUS EQUIPMENT WITH STATE FUNDS. If a student needs special equipment in order to be transported, can a school district purchase the equipment from the "Reserved for Bus Purchases" account?**

Equipment that is added to the vehicle can be purchased from the Reserved for Bus Purchases account. This includes two-way communication systems and wheelchair securement devices. Also, the cost of modifying vehicles so that lifts or ramps can be installed may be charged to the Reserved for Bus Purchases account. Effective July 1, 1996, the Reserved for Bus Purchases account balance in the transportation fund was transferred to the Reserved for Bus Purchases account in the general fund. This account in the general fund will exist only until the balance is depleted. Districts cannot add additional monies to this account. Districts can set aside general fund monies for future school bus and equipment purchases in a separate account. In addition, school districts may issue certificates of indebtedness or capital notes to purchase school buses, or purchase school buses from the Reserve for Operating Capital account.

28. **PURCHASE VEHICLE WITH FEDERAL FUNDS. Can federal special education funds be used to purchase a school bus?**

Federal funds cannot be used to purchase a school bus.

29. **MODIFY VEHICLE WITH FEDERAL FUNDS. Can federal special education funds be used to modify school buses?**

Only school buses currently in use can be modified using federal funds. Modification of existing buses is limited to items that will accommodate the needs of students with disabilities, e.g. two- way radio, installation of a lift, rearrangement of seats, the addition of a particular safety feature(s) that is needed because of a student's particular disability.

30. **VEHICLE INSPECTION. Must all vehicles used to transport students with disabilities be inspected by the State Patrol?**

M.S. 169.451 requires that all vehicles used to transport students, whether district-owned or contractor-owned, be inspected annually. Parents transporting their own children in the family vehicle, or teachers or administrators transporting a sick student home from school (emergency nonscheduled transportation), are not required to have their vehicles inspected by the State Patrol.

31. AGE LIMIT OF SCHOOL BUSES. Is there an age limit beyond which a school bus can no longer be used to transport students?

Types A, B, C and D school buses manufactured before April 1, 1977, cannot be used to transport students in the state of Minnesota. However, if manufactured after April 1, 1977, they can be used provided they pass the annual school bus inspection. (See M.S. 169.4502, subd. 3.)

Type III school buses (cars, station wagons and vans) more than ten years old cannot be used to transport students. The date of manufacture is used to determine the age of vehicle. (See M.S. 169.454, subd. 2.)

32. WHEELCHAIR ORIENTATION. What are the requirements for a forward-facing or side-facing wheelchair orientation on a school bus?

Types A, B, C and D school buses manufactured after January 1, 1995, must have wheelchair securement devices in a forward-facing orientation. Types A, B, C, and D school buses manufactured before January 1, 1995 may have either a forward- or side-facing wheelchair orientation. Type III school buses, no matter when they were manufactured, may have either forward- or side-facing wheelchair securement devices. (See M.S. 169.4504.)

33. WHEELCHAIR TIE-DOWNS. Are there requirements for how a wheelchair is tied down to the bus?

Whether side facing or forward facing, all wheelchairs must be securely fastened in a fixed position to prevent movement. This securement system must utilize a four-point tie-down design. In addition, each wheelchair location must have an occupant restraint system. This system must be attached to the bus body either directly or in combination with the wheelchair securement system. (See M.S. 169.4504, subd. 3-4.)

34. EMERGENCY HEALTH CARD. Are emergency health cards required in vehicles used to transport students with disabilities?

M.R. 7470.1700, Subp. 2, provides that drivers or assistants transporting students with disabilities on special school bus routes shall have a typewritten card in the vehicle that includes the following information:

a. The pupil's name and address
b. The nature of the pupil's disabilities
c. Emergency health care information
d. The names and telephone numbers of the pupil's physician, parents, guardians, or custodians, and some person other than the pupil's parents or custodians who can be contacted in case of an emergency

It is also recommended that the emergency health card include information on an alternate site where the student can be dropped off if nobody is at home. It is further recommended that an emergency card be on all buses where there is a student with a potential emergency health need.

35. **TWO-WAY RADIOS. Are all vehicles required to have a two-way communication system when transporting a student with a disability?**

a General Requirement for all buses: M.S. 169.4503, subd. 6, requires that types A, B, C and D school buses manufactured after July 1, 1995, be equipped with a two-way communication system. The decision on whether to equip Type A, B, C, D and Type III school buses manufactured before July 1, 1995, rests with the school district.

b Additional Standards for Specially Equipped School Buses: M.S. 169.4504, subd. 2, requires that "All vehicles used to transport disabled students shall be equipped with a two-way communication system."

36. **PUBLIC TRANSPORTATION. Can public transportation be used to fulfill a district's obligation to provide necessary transportation?**

Public transportation may be an appropriate option when the IEP or 504 team agree that it meets the student's needs.

Transporting Children in Early Childhood Programs

37. AGE OF ELIGIBILITY FOR TRANSPORTATION. At what age are children with disabilities eligible to receive transportation services?

Children with disabilities are eligible for transportation services from birth or whenever transportation services are required by their IFSP, IEP or 504 Accommodation Plan. (Note: Most infants and toddlers who qualify for special education services are usually served in their home by special education staff.)

38. CARRYING A CHILD ON OR OFF THE BUS. How much assistance should a bus driver or bus assistant give infants or toddlers to get them on or off the bus?

These decisions are made on an individual basis and specified in the child's IEP or 504 Accommodation Plan. M.R. 7470.1700, Subp.. 3.C., requires that "Each driver and aide assigned to a vehicle transporting pupils must... assist pupils with disabilities on and off the bus when necessary for their safe ingress and egress from the bus..."

39. TRANSPORTING PARENT AND CHILD TO EARLY CHILDHOOD PROGRAM. May a school district transport the parent of a child who attends an early childhood program on the same school bus with the child, so the parent can participate in the child's education program?

M.S. 123.39, subd. 8d, provides that the school districts may provide bus transportation along regular routes when space is available for participants in early childhood family education programs and learning readiness programs if these services do not result in an increase in the district's expenditures for transportation. The costs allocated to these services, as determined by generally accepted accounting principles, shall be considered as part of the authorized cost for regular transportation for the purposes of this section. Transportation may occur between the school and the home or day care location.

40. SELECTING A CAR SEAT. When an infant or very young child rides a school bus, how is the use of a car seat determined?

M.S. 169.685, subd. 5, provides that "Every motor vehicle operator, when transporting a child under the age of four on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards." Subd. 6 of this section further provides that this requirement may be waived if the child cannot, "in the judgment of a licensed physician, be safely transported in a child passenger restraint system because of a medical condition, body size or physical disability." The motor vehicle operator must carry a current typewritten statement from the physician, and the accommodation noted in the student's IEP or 504 Accommodation Plan.

Because large school buses are usually not equipped with factory-installed seat belts, school district personnel should work with the parents to determine whether a car seat is safe and appropriate for transporting their child in a school bus.

Transporting Homeless Students

41. TRANSPORTATION AT BEGINNING OF YEAR. When must a school district provide transportation for students living in a homeless shelter?

The homeless shelter is the student's home. Therefore, the school district in which the homeless shelter is located must provide necessary transportation from the shelter to school beginning with the first day of school and continuing throughout the school year. (See P.L. 101-645 and M.S. 123.39.)

42. ENROLLMENT OF HOMELESS STUDENTS. Must a school district enroll a student who has a disability and is homeless?

M.S. 120.06 states that "A school district must not deny free admission to a homeless person of school age solely because the school district cannot determine that the person is a resident of the school district." This requirement applies whether or not the person has a disability.

Homeless preschool children with disabilities must also be admitted to an appropriate preschool program as specified in their IEP or IFSP, and necessary transportation must be provided.

43. TRANSPORTATION FOLLOWING LATE ENROLLMENT. After a homeless student with a disability enrolls in school, how long does the school district have to provide transportation for the student?

Transportation must be provided as quickly as it would be for any other student moving into the district.

44. PROGRAM PREFERENCES OF A HOMELESS FAMILY. If the parents and their child with disabilities are homeless, must a school district consider the parents' preference of where their child's program is located?

When the IEP or 504 team meets to determine the student's program, the team must consider the parent preference for the location of the program. If special transportation is required, it must also be noted in the IEP or 504 Accommodation Plan.

Transporting to Transition Programs

45. **TRANSPORTATION DURING THE DAY. If a student's IEP specifies a program in another district and the program requires during-the-day transportation to an off school site (e.g., for transitional activities specified on the student's IEP), which school district is responsible for the during-the-day transportation?**

    The resident district is responsible for transportation and can provide the service itself, or by contract with the providing district. (See M.S. 120.17 subd. 4 and 11)

46. **VEHICLE OPTIONS FOR DURING-THE-DAY TRANSPORTATION. What type of vehicles can be used to transport a student with a disability to the transition program's community site during the day?**

    The school district may use the traditional yellow school bus (Types A, B, C, and D), automobile, van, or station wagon having a maximum capacity of ten persons including the driver (Type III), public transportation, or a family vehicle.

47. **TRANSPORTATION OUTSIDE SCHOOL HOURS. Is a school district required to transport a student with a disability to and from a transition program community site outside of school hours?**

    If an IEP or 504 Accommodation Plan includes goals, which require transportation beyond the normal school day, that becomes that student's school day and the district must transport. However, the district is not responsible for transportation inconsistent with the program plan. If students choose to extend their time at a program site (e.g., work site), then the students become responsible for their own transportation on those occasions.

48. **SHARING THE COST OF TRANSPORTATION. Can the cost of transporting a student with a disability to an off-school site (e.g., work site or post-secondary program) be shared between the school district and the off-campus agency?**

    Transportation costs can be shared through a cooperative agreement between the school district and the other agency.

Chapter 2: SITUATIONS - WHO MUST TRANSPORT?

This chapter provides:

- Examples of situations that occur when providing special transportation for students with disabilities, as specified on their IEP, IFSP or 504 Accommodation Plan
- References to Minnesota Statute or Minnesota Rule on which the transportation requirements are based
- Descriptions of which school district provides the student's education program, and which district provides transportation to the education program
- Descriptions of which school district reports the student for pupil accounting, and which district generates state aid, i.e., general education revenue (G.E.R.), and/or special education aid, and/or transportation aid

NOTE: This manual does not constitute legal advice. School districts should seek legal counsel as necessary.

~ See the GLOSSARY for a definition or description of words, terms, acronyms, or program names and titles used in this chapter.

Situation 1: EDUCATION PROGRAM IN RESIDENT DISTRICT

A student resides in the resident district. The resident district arranges for a special education program in any of its schools.

M.S. 120.17, Subd. 1

RESPONSIBILITIES RESIDENT DISTRICT
Education Program 1. Provides the education program. 2. Generates GER. 3. Reports on MARSS using SAC 00.
Special Transportation 1. Provides necessary transportation to and from school, and during the day. 2. Claims transportation aid.

Situation 2: EDUCATION PROGRAM IN SECOND DISTRICT

A student resides in the resident district. The resident district arranges for an education program in a second district during the regular school year, summer school, or extended year.

M.S. 120.17, Subd. 4, 5a, 6

RESPONSIBILITES	
RESIDENT DISTRICT	**PROVIDING DISTRICT**
Education Program 1. Assures an appropriate education program is provided through an agreement with the providing district. 2. Responsible for excess cost of program. 3. Generates GER.	Education Program 1. Provides the education program. 2. Bills resident district for excess cost of program. 3. Reports on MARSS using SAC 19 or 27.
Special Transportation 1. Provides transportation from home to the education site in the providing district, and home again. 2. Provides during-the-day transportation, or contracts with the providing district. 3. Claims transportation aid.	Special Transportation Not responsible for transportation. Exception: By mutual agreement, the providing district can (1) claim the pupil as one of its own for transportation purposes, (2) provide the transportation, and (3) claim the transportation aid, but (4) may not bill back any unreimbursed transportation costs to the resident district.

Situation 3: RESIDENTIAL FACILITY IN SECOND DISTRICT

The resident district arranges an educational placement in a residential facility located in a second district. The second district provides the education program.

M.S. 120.17, Subd. 4; M.S. 124.223, Subd. 7; 34 CFR 300.8; 34 CFR 104.33 (c) (2)

RESPONSIBILITES	
RESIDENT DISTRICT	**PROVIDING DISTRICT**
Education Program 1. Assures an appropriate education program is provided through an agreement with the providing district. 2. Responsible for excess cost of program. 3. Generates GER	Education Program 1. Provides the education program. 2. Bills resident district for excess cost of program. 3. Reports on MARSS using SAC 10, 19, or 27.
Special Transportation 1. Provides board and lodging, and transportation to and from the residential facility, because it is an educational placement. 2. Claims transportation aid for board and lodging costs, and for transportation to and from board and lodging.	Special Transportation 1. Transports to and from residential facility within the district, and during the school day. 2. Claims transportation aid for to-and-from, and during-the-day transportation. 3. Cannot bill back unreimbursed transportation costs to the resident district.

Situation 4A: DAY TREATMENT IN RESIDENT DISTRICT

The courts, human services, parents, or school district place a student in a day treatment program within the resident district.

M.S. 120.17, Subd. 2, M.S. 120.181

RESPONSIBLITIES RESIDENT DISTRICT
Education Program 1. Assures an appropriate education program either by providing the program itself, or through an agreement with another agency. 2. Generates GER. 3. Reports on MARSS using SAC 00.
Special Transportation 1. Provides transportation to and from the day treatment program. 2. Claims transportation aid.

Situation 4B: DAY TREATMENT IN SECOND DISTRICT; EDUCATION PROGRAM IN RESIDENT DISTRICT

The courts, human services, parents, or school district place a student in a day treatment program in a second district. During the term of the placement the student is transported to and from the day treatment program. The student is also transported between day treatment and the education program in the resident district.

M.S. 120.17, Subd. 6; M.S. 120.181

RESPONSIBILITES RESIDENT DISTRICT
Education Program 1. Provides the education program. 2. Generates GER. 3. Reports on MARSS using SAC 00.
Special Transportation 1. Provides all transportation, including to and from the day treatment program. 2. Claims transportation aid.

Situation 4C: DAY TREATMENT AND EDUCATION PROGRAM IN SECOND DISTRICT

The courts, human services, parents, or school district place a student in a day treatment program in a second district. The second district agrees to provide the education program.

M.S. 120.17, Subd. 6; M.S. 120.181

RESPONSIBILITES	
RESIDENT DISTRICT	**PROVIDING DISTRICT**
Education Program 1. Assures an appropriate education program is provided through an agreement with the providing district. 2. Responsible for excess cost of program. 3. Generates GER.	Education Program 1. Provides the education program. 2. Bills resident district for excess cost of program. 3. Reports on MARSS using SAC 19 or 27.
Special Transportation 1. Provides transportation to and from home and education site or day treatment program in the providing district. 2. Provides during-the-day transportation, or contracts with the providing district. 3. Claims transportation aid.	Special Transportation Not responsible for transportation. Exception: By mutual agreement, the providing district can (1) claim the pupil as one of its own for transportation purposes, (2) provide the transportation, and (3) claim the transportation aid, but (4) may not bill back any unreimbursed transportation costs to the resident district.

Situation 5A: CARE AND TREATMENT OR RESIDENTIAL PLACEMENT IN RESIDENT DISTRICT

The courts, human services or parents place a student in a temporary residence (e.g., foster home, group home, residential facility) within the resident district for care and treatment. The resident district provides a special education program at the residential facility or in any of its schools.

M.S. 120.17, Subd. 1

RESPONSIBILITES RESIDENT DISTRICT
Education Program 1. Provides the education program. 2. Generates GER. 3. Reports on MARSS using SAC 00.
Special Transportation 1. Provides transportation to and from the residence or residential facility designated by the courts, human services, or parents. Also provides during-the-day transportation, if needed. 2. Claims transportation aid.

Situation 5B: CARE AND TREATMENT IN SECOND DISTRICT

The courts, human services or parents place a student for care and treatment (e.g., foster home, group home, or residential facility) in a second district.

M.S. 120.17, Subd. 6; M.S. 120.181

RESPONSIBILITIES	
RESIDENT DISTRICT	**PROVIDING DISTRICT**
Education Program 1. Assures an appropriate education program is provided through an agreement with the providing district. 2. Responsible for excess cost of program, but not for board and lodging or care and treatment costs. 3. Generates GER.	Education Program 1. Provides the education program. 2. Bills resident district for excess cost of program. 3. Reports on MARSS using SAC 27.
Special Transportation 1. Not responsible for transportation. 2. Not responsible for board and lodging costs because the district did not initiate the placement.	Special Transportation 1. Not responsible for board and lodging costs. 2. Must provide to-and-from and during-the-day transportation. 3. Claims transportation aid for to-and-from and during-the-day transportation. 4. Cannot bill transportation costs to resident district.

Situation 5C: CARE AND TREATMENT IN SECOND DISTRICT; EDUCATION IN THIRD DISTRICT

The courts, human services or parents place a student for care and treatment in another district (B). While in treatment, the student continues to live in district (B) where the treatment facility is located, but is placed by district (B) into a third district (C) that will provide the student's educational program.

M.S. 120.17, Subd. 6; M.S. 120.181

RESPONSIBLITIES		
RESIDENT DISTRICT (A)	**TREATMENT / LODGING DISTRICT (B)**	**PROVIDING DISTRICT (C)**
Education Program 1. Assures an appropriate education program is provided through an agreement with the providing district. 2. Responsible for excess cost of program, but not for board and lodging, or for care and treatment costs. 3. Generates GER.	Education Program Arranges an appropriate education program through an agreement with the providing district.	Education Program 1. Provides the education program. 2. Bills resident district for excess cost of the program. 3. Reports on MARSS using SAC 27.
Special Transportation 1. Not responsible for transportation. 2. Not responsible for board and lodging costs because the district did not initiate the placement.	Special Transportation 1. Transports to and from student's temporary residence and the providing district's education program. 2. Must provide to-and-from and during-the-day transportation. 3. Claims transportation aid for to-and-from and during-the-day transportation. 4. Cannot bill transportation costs to resident district.	Special Transportation 1. Not responsible for transportation. 2. Exception: By mutual agreement, the providing district can (1) claim the student as one of its own for transportation purposes, (2) provide the transportation, and (3) claim the transportation aid, but (4) may not bill back any unreimbursed transportation costs to the resident district.

NOTE: District (B) could also place the student back into the student's previous program in the resident district (A), in which case the resident district (A) takes on the responsibilities of district (C).

Situation 6A: EDUCATIONAL OPTIONS DISTRICT PROVIDES SPECIAL PROGRAM

A student enrolls in another district under any of the parent choice option programs (e.g., open enrollment; education options - formerly high school graduation incentive; parent initiated agreement between school boards).

M.S. 120.062, Enrollment Options; M.S. 120.075 - M.S. 120.0752, Parent Initiated Transfers, etc.; M.S. 124.225, Subd. 8l, Transportation Aid Entitlement; M.S. 126.22, Education Options

RESPONSIBILITIES	
RESIDENT DISTRICT	**PROVIDING OPTIONS DISTRICT**
Education Program 1. Not responsible for providing the education program. 2. Responsible for excess cost of program for students with an IEP.	Education Program 1. Provides the education program. 2. Generates GER. 3. Bills resident district for excess cost of program for students with an IEP. 4. Reports on MARSS using SAC 01, 03, 04, 11, 12 or 13.
Special Transportation Not responsible for transportation.	Special Transportation 1. Transports within attendance area of school, if requested by parent. 2. Transports to and from home and school if a student requires special transportation (based on case law and state policy). 3. Claims aid for transportation within its borders.

Situation 6B: EDUCATIONAL OPTIONS DISTRICT MAKES PLACEMENT IN THIRD DISTRICT

A student resides in district (A), enrolls in a second district (B) under any options program (e.g., open enrollment, education options - formerly high school graduation incentives, parent initiated agreement between school boards), but district (B) then places the student full-time in a third district (C) or cooperative program for special education

M.S. 120.062, Enrollment Options; M.S. 120.075 - M.S. 120.0752, Parent Initiated Transfers, etc.; M.S. 124.225, Subd. 8l, Transportation Aid Entitlement; M.S. 126.22, Education Options

RESPONSIBILITIES		
RESIDENT DISTRICT (A)	**EDUCATIONAL OPTIONS DISTRICT (B)**	**PROVIDING DISTRICT (C)**
Education Program	Education Program	Education Program
1 Not responsible for providing the education program	Assures an appropriate education program is provided through an agreement with providing district (C)	1 Provides the education program
2a Responsible for paying the excess cost of the education program to the providing Independent or Special school district, or	<----------(2a related)---------->	2a If an Independent or Special school district: Generates GER and special education aid, and bills resident district (A) for excess cost of program. Reports on MARSS using SAC 01, 03, 04, 11, 12 or 13, or
2b Responsible for paying the excess cost of the education program to the providing cooperative host district, or to a cooperative that generates GER, or	<----------(2b related)---------->	2b If a district hosting a cooperative, or a cooperative that generates GER: Generates GER and special education aid, and bills resident district (A) for excess cost of program. Reports on MARSS using SAC 01, 03, 04, 11, 12 or 13, or
2c Generates GER, and pays excess cost of the education program to the providing cooperative	<----------(2c related)---------->	2c If a cooperative that is not eligible to generate GER: Bills resident district (A) for excess cost (i.e., full cost less special education aid) of the education program. Reports on MARSS using SAC 19
Special Transportation	Special Transportation	Special Transportation
Not responsible for transportation	1a Provides transportation from its border with district (A) to the education site in district (C) 1b If student requires special transportation to get to and from school, then district (B) must transport to and from home and the education site in district (C). (Based on case law and state policy) 2 Provides during-the-day transportation, or contracts with the providing district 3 Claims transportation aid only for portion of trip within district (B) and (C)	Not responsible for transportation Exception: By mutual agreement, the providing district can (1) claim the student as one of its own for transportation purposes, (2) provide the transportation, and (3) claim the transportation aid, but (4) may not bill back any unreimbursed transportation costs to the resident district

Situation 7A: ENROLLMENT IN CHARTER SCHOOL IN RESIDENT DISTRICT.

A student is enrolled in a charter school located within the student's resident district.

M.S. 120.064, Subd. 15 - Results-Oriented Charter Schools - Transportation

RESPONSIBILITIES	
RESIDENT DISTRICT	**CHARTER SCHOOL**
Education Program 1. Not responsible for providing the education program. 2. Responsible for excess cost of the education program.	Education Program 1. Provides the education program, or through a tuition agreement has another district/agency provide the education program. 2. Generates GER and special education aid. 3. Bills resident district for excess cost of the education program. 4. Reports on MARSS using SAC 08.
Special Transportation The charter school can choose to transport its students, or have transportation provided by the district in which the charter school is located. 1. If the charter school decides to have the *resident district transport*, then the resident district: a. Must transport to and from home and charter school. b. Must transport during the day to the student's special education program. c. Claims transportation aid. 2. If charter school transports, then resident district is not responsible for transportation.	Special Transportation The charter school can choose to transport its students, or have transportation provided by the district in which the charter school is located. 1. If the charter school decides *to provide its own transportation*, then the charter school: a. Must transport to and from home and charter school. b. Must transport during the day to the student's special education program. c. Claims transportation aid. 2. If resident district transports, then charter school is not responsible for transportation.

NOTE: M.S. 120.064, Subd. 15a states, "By July 1 of each year, a charter school shall notify the district in which the school is located ... if it will provide transportation for pupils enrolled at the school for the fiscal year."

Situation 7B: ENROLLMENT IN CHARTER SCHOOL IN SECOND DISTRICT

A student is enrolled by the parent into a charter school (B) located in another district (C). The student requires special education. District (C) agrees to provide the special education program.

See M.S. 120.064, Subd. 15 - Results-Oriented Charter Schools - Transportation.

RESPONSIBILITIES		
RESIDENT DISTRICT (A)	**CHARTER SCHOOL (B)**	**DISTRICT IN WHICH CHARTER SCHOOL IS LOCATED (C)**
Education Program 1. Not responsible for providing the education program. 2. Responsible for paying the excess cost of the education program to the charter school.	Education Program 1. Assures appropriate *special education services* through an agreement with the providing district. 2. Generates GER. 3. Responsible for the excess cost of the *special education servicses* provided by the providing district (C). 4. Bills resident district for all excess education costs (including the cost of special education service billed from the providing district (C)). 5. Reports on MARSS using SAC 08.	Education Program 1. Provides *special education services*. 2. Generates special education aid. 3. Bills charter school for excess cost of *special education services*.
Special Transportation Not responsible for transportation.	Special Transportation If special transportation is required for a non-resident student: 1. Transports students to and from home in district (A) and the charter school. 2. Transports during the day to the student's special education program. 3. Claims aid for transportation within the borders of district (C), but only if it chooses to provide transportation.	Special Transportation 1. Upon request of the charter school, district (C) must provide transportation within its borders to its resident students only. 2. The school district in which the charter school is located may, but is not required to, transport nonresident students attending a charter school within the district.

NOTE: M.S. 120.064, Subd. 15a states, "By July 1 of each year, a charter school shall notify the district in which the school is located ... if it will provide transportation for pupils enrolled at the school for the fiscal year."

Situation 7C: PLACEMENT IN CHARTER SCHOOL BY RESIDENT DISTRICT

A student is placed by the resident district in a charter school. The charter school provides the regular and special education programs at the charter school site.

See M.S. 120.064, Subd. 15 - Results Oriented Charter Schools - Transportation.

RESPONSIBILITIES	
RESIDENT DISTRICT	**CHARTER SCHOOL**
Education Program 1. Assures an appropriate education program is provided through an agreement with the charter school. 2. Responsible for excess cost of program. 3. Generates GER.	Education Program 1. Provides the special education program. 2. Generates special education aid. 3. Bills resident district for excess cost of program. 4. Reports on MARSS using SAC 19.
Special Transportation 1. Transports to and from the charter school. 2. Claims transportation aid.	Special Transportation Not applicable.

NOTE: When a resident district makes the placement, its responsibilities for education and transportation remain the same regardless of whether the charter school is located within its borders or in another district.

Situation 8: MINNESOTA ACADEMIES

A student is placed in either the Minnesota Academy for the Deaf or the Minnesota Academy for the Blind.

M.S. 120.17, Subd. 7a

RESPONSIBILITIES	
RESIDENT DISTRICT	**ACADEMIES**
Education Program 1. Pays fee to the Academy according to state law. (The fee for one pupil unit equals the General Education Revenue generated by the student. If the student needs an educational assistant during school hours and the service is specified on the IEP, the resident district must also pay the excess costs of the educational assistant. The fee is not eligible for additional state special education aid.) 2. Generates GER.	Education Program 1. Provides the education program. 2. Bills resident district as provided for in state law. 3. Reports on MARSS using SAC 19.
Special Transportation 1. Responsible for providing transportation to and from the state academy. 2. Not responsible for board and lodging. 3. Claims transportation aid between home and the Academy.	Special Transportation 1. Cannot bill back any transportation costs to the resident district. 2. Provides board and lodging at no cost to the resident district.

Situation 9A: NONPUBLIC SCHOOL IN RESIDENT DISTRICT

A student attends a nonpublic school within the resident district, but only requires special transportation to and from the nonpublic school.

M.S. 123.78

RESPONSIBILITIES	
RESIDENT DISTRICT	**NONPUBLIC SCHOOL**
Education Program Not responsible for providing the education program.	Education Program (Refer to the Minnesota Compulsory Instruction Law for program/instructional responsibility, M.S. 120.101-M.S. 120.105.)
Special Transportation 1. Responsible for transportation to and from home. 2. Claims transportation aid.	Special Transportation Not Applicable.

Note: The Minnesota Equal Treatment Law (see M.S. 123.76 - 123.79) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students.

Situation 9B: NONPUBLIC SCHOOL IN RESIDENT DISTRICT; SHARED TIME PROGRAM BY RESIDENT DISTRICT

A student attends a nonpublic school within the resident district. The student receives instructional shared time services from the resident district, and requires special transportation.

M.S. 120.17, Subd. 9; M.S. 123.78; M.S. 124A.02, Subd. 22

RESPONSIBILITIES	
RESIDENT DISTRICT	**NONPUBLIC SCHOOL**
Education Program 1. Responsible for providing "shared time" program. At the discretion of the school district, special instruction, as defined by the IEP, may be provided at the public school or nonpublic school. 2. Claims shared time foundation aid for special education services and any additional public school services. (Extracurricular and Title I are not eligible) Reports on MARSS using SAC 16. 3. Claims special education aid.	Education Program (Refer to the Minnesota Compulsory Instruction Law for program/instructional responsibility; M.S. 120.101-M.S. 120.105.)
Special Transportation 1. Responsible for to and from school transportation. 2. Claims transportation aid for transporting to and from school.	Special Transportation Not Applicable.
Shared Time Program for Students with Disabilities 1. Responsible for during-the-day transportation between nonpublic school and public school. 2. Claims transportation aid for during-the-day transportation.	Shared Time Program for Students with Disabilities Not applicable.

Note: The Minnesota Equal Treatment Law (see M.S. 123.76 - 123.79) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students.

Situation 9C: NONPUBLIC SCHOOL OUT OF DISTRICT; ONLY SPECIAL TRANSPORTATION REQUIRED

A student attends a nonpublic school outside the resident district. The student does not require a special education program, but does require special transportation to and from the nonpublic school.

M.S. 123.78

RESPONSIBILITIES	
RESIDENT DISTRICT	**NONPUBLIC SCHOOL**
Education Program Not responsible for providing the education program.	Education Program (Refer to the Minnesota Compulsory Instruction Law for program/instructional responsibility; M.S. 120.101-M.S. 120.105.)
Special Transportation 1. Responsible for transportation to and from the border. However, if the student requires special transportation, district may provide it to and from the nonpublic school. 2. Claims transportation aid for in-district transportation. 3. May not claim aid for out-of-district cost, but must bill nonpublic school for out-of-district cost.	Special Transportation Pays cost of transportation from outside resident district border to nonpublic school.

Note: The Minnesota Equal Treatment Law (see M.S. 123.76 - 123.79) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students.

Situation 9D: NONPUBLIC SCHOOL OUT OF DISTRICT; SPECIAL PROGRAM IN RESIDENT DISTRICT

A student attends a nonpublic school outside the resident district. The resident district transports the student back to the resident district where it provides the student's special education program. (This usually occurs at the beginning or the end of the school day.)

M.S. 120.17, Subd. 9

RESPONSIBILITIES	
RESIDENT DISTRICT	**NONPUBLIC SCHOOL**
Education Program 1. Responsible for providing the special education program under shared time. 2. Claims shared time GER. Reports on MARSS using SAC 16. 3. Claims special education aid.	Education Program (Refer to the Minnesota Compulsory Instruction Law for program/instructional responsibility; M.S. 120.101-M.S. 120.105.)
Special Transportation To and From Shared Time Program for Students with Disabilities. 1. Responsible only for transportation to and/or from its border to the program site (within its borders). 2. May also provide transportation to and from the nonpublic school if a student requires special transportation, but must bill nonpublic school for out-of-district cost and may not claim transportation aid for out-of-district cost. 3. Claims transportation aid on trip within resident district.	Special Transportation To and From Shared Time Program for Students with Disabilities. Pays the cost of transportation from outside resident district border to nonpublic school.

Note: The Minnesota Equal Treatment Law (see M.S. 123.76 - 123.79) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students.

Situation 9E: NONPUBLIC SCHOOL OUT OF DISTRICT; SPECIAL PROGRAM IN ANOTHER DISTRICT

A student attends a nonpublic school in another district (B). The resident district (A) and the other district (B) have agreed that district (B) will provide the special education program.

M.S. 124A.034, Subd. 1, 1A

RESPONSIBILITIES	
RESIDENT DISTRICT (A)	**PROVIDING DISTRICT (B)**
Education Program 1. Responsible for assuring an appropriate education program through an agreement with the providing district. 2. Resident and providing districts agree to one of the following options: a. Resident district generates shared time GER aid and reimburses the providing district for program costs. b. Resident district agrees to allow the providing district to generate the shared time GER aid and is only responsible for paying excess program costs to the providing district.	Education Program 1. Agrees to provide the program at public school in district (B), or at the nonpublic school. 2. Upon agreement, the providing district responds by doing one of the following: a. If option (a) at left is selected, the providing district bills resident district for education costs, or b. If option (b) at left is selected, the providing district generates shared time foundation aid and bills resident district for excess special education program costs. 3. Reports on MARSS using SAC 16 if resident district is to generate shared time GER aid, or SAC 17 if providing district is to generate shared time GER aid.
Special Transportation To and From Nonpublic School 1. Responsible for transportation to and from the border. However, if the student requires special transportation, district may provide it to and from the nonpublic school. 2. Claims transportation aid for in-district transportation. 3. Must bill nonpublic school for out-of-district cost, and may not claim aid for out-of-district cost.	Special Transportation To and From Nonpublic School Not Applicable.
Shared Time Program Transportation for Students with Disabilities Not Applicable.	Shared Time Program Transportation for Students with Disabilities Agrees with district (A) to claim the aid for the student for during the day transportation.

Note: The Minnesota Equal Treatment Law (see M.S. 123.76 - 123.79) provides that when a public school district provides to-and-from school or during-the-day transportation services for public school students, it must also provide the same level of service for resident nonpublic school students.

Chapter 3: TRANSPORTATION FUNDING AND REPORTING

This chapter provides:

- Explanations of how special transportation is funded
- Descriptions of how state forms are used to report the number and cost of students transported
- Tables that describe transportation finance dimensions and their funding sources
- Methods by which student eligibility is determined for to-and-from school transportation
- Examples of how to report students with disabilities to the state, and how to calculate costs associated with their transportation

~ See the GLOSSARY for a definition or description of words, terms, acronyms or program names and titles used in this chapter.

Special Transportation Funding

For the 1996-97 and 1997-98 school years, the cost of transporting students with disabilities is funded under the special program portion of the targeted needs transportation aid formula. Beginning in the 1998-99 school year, the funding for this transportation will be rolled into the special education formula.

Although there are other transportation categories, Minnesota Statutes, section 124.225, Subd 1(b)(4) provides that the following are authorized categories of transportation service for students with disabilities:

- Transportation of students with disabilities to and from school when the students cannot be transported on a regular route;
- Transportation of students with disabilities between home or a respite care facility and school;
- Transportation of students with disabilities between buildings during the day, including centers such as developmental achievement centers, hospitals and treatment centers where special instruction or services required by M.S. 120.17 and M.S. 120.1701 are provided;
- Board and lodging of students with disabilities in a district maintaining special classes;
- Transportation to and from board and lodging facilities when the student is provided board and lodging for educational purposes;
- Transportation of students with disabilities from a nonpublic school to a public school or neutral site when the nonpublic school student is enrolled in an education program on a shared time basis;
- Transportation to and from summer school programs for students with disabilities; and
- Transportation to care and treatment for students without disabilities (see M.S. 120.181).

The transportation funding formula is subject to review and possible change on an annual basis. See Personnel Resources List in this manual for contact regarding questions on the current transportation funding formula.

Transportation Reporting Forms

The number of students transported and miles traveled, etc., is reported to the Department of Children, Families and Learning at year-end on the Pupil Transportation Annual Report.

The school district transportation expenditure data used to calculate transportation funding are obtained from the Uniform Financial Accounting and Reporting Standards (UFARS) Data Release. Districts reporting students and/or mileage in any category on the Pupil Transportation Annual Report must report a cost in the corresponding finance dimension on the UFARS Data Release. The student/cost information, after being edited, is transferred into the state aid payment system for calculation of transportation aids.

Each finance dimension describes a type of transportation service. The services are funded by different sources. The transportation finance dimensions and their funding sources are listed in the next section.

TRANSPORTATION FINANCE DIMENSIONS AND THEIR FUNDING SOURCES

FINANCE DIMENSION	CATEGORY	1996-97 & 1997-98 FUNDING SOURCE	1998-99 & FUTURE YEARS FUNDING SOURCE
711	LEARNING YEAR SUMMER	GENERAL EDUC.*	GENERAL EDUC.*
712	POSTSECONDARY AGREEMENTS	GENERAL EDUC.*	GENERAL EDUC.*
713	OPEN ENROLLMENT-OUTSIDE DISTRICT	NONE	NONE
715	DESEGREGATION	TARGETED NEEDS-DESEGREGATION	INTEGRATION FORMULA
716	NOON KINDERGARTEN	GENERAL EDUC.*	GENERAL EDUC.*
717	LATE ACTIVITY-PUBLIC	GENERAL EDUC.*	GENERAL EDUC.*
718	PUPIL TRANSPORTATION SAFETY	SPECIAL APPROPRIATION	SPECIAL APPROPRIATION
719	HAZARDS - WALKERS	GENERAL EDUC.*	GENERAL EDUC.*
720	REGULAR / EXCESS	GENERAL EDUC.*/ TARGETED NEEDS-NONPUBLIC	GENERAL EDUC.*/ TARGETED NEEDS-NONPUBLIC
721	SUMMER SCHOOL - REGULAR	NONE	NONE
723	DISABLED	TARGETED NEEDS-SPECIAL PROG.	SPECIAL EDUC. FORMULA
725	BETWEEN SCHOOL BUILDINGS - PUBLIC	GENERAL EDUC.*	GENERAL EDUC.*
726	NONPUBLIC NONREGULAR	TARGETED NEEDS-NONPUBLIIC	TARGETED NEEDS-NONPUBLIC
733	NONAUTHORIZED	NONE	NONE
737	INELIGIBLE/NONRESIDENT	NONE	NONE
739	POSTSECONDARY/OPENENROLLMENT MILEAGE REIMBURSEMENT FOR LOW INCOME FAMILIES	SPECIAL APPROPRIATION	SPECIAL APPROPRIATION

* $170.00 as an increase in the General Education Formula Plus Transportation Sparsity and Transportation Transition

See Minnesota Statutes, Sections 120.73 and 120.74, for authorized and prohibited fees.

Refer to the UFARS Manual to obtain detailed descriptions of each finance dimension. See Personnel Resources List in this manual for contacts regarding questions about accounting for transportation expenditures and revenues.

BEST COPY AVAILABLE

Eligibility For Aid; Student And Expenditure Reporting

A student with a disability who is transported to and from school will either be reported in the Regular Category (Finance Dimension 720) or the Disabled Category (Finance Dimension 723), depending on the type of service the student receives. A student cannot be reported in both categories even though the student may be transported on both regular and special routes each day. Once the category in which the student is to be reported is determined, the cost of providing all to-and-from school transportation services must be reported in the corresponding finance dimension on the district's financial report.

The eligibility criteria for the to-and-from school portion of each category are the following:

Regular Category (Finance Dimension 720)

A student with a disability (including an early childhood student) who rode the regular bus route to and from school and did not receive any further transportation or special accommodation (e.g., management aide) must be reported in the regular category. In addition, a regular category student must meet the following criteria:

- The student was a resident and attended a school within the resident district; the student was a resident, but attended a school in another district because of a tuition or pairing agreement that existed between the resident and nonresident districts; or the student was a nonresident, but attended the resident district under an enrollment options program.
- An elementary student (grades K through 6) must live one mile or more from the school.
- A secondary student (grades 7 through 12) must live two miles or more from the school.

Disabled Category (Finance Dimension 723)

A student with a disability (including an early childhood student) must be reported in this category if the student meets any of the following criteria:

- The student was provided special transportation for all or part of the trip.
- The student rode the regular bus route from home to school and there was special accommodation and/or further special transportation from the school to the location of the special education classes.
- The student rode the regular bus route from home to school and there was no special accommodation required or no further special transportation from school to location of special education classes, but the student lived less than one mile (elementary) or two miles (secondary) from school.

REPORTING EXAMPLES

Following are examples of different situations that may occur in your district regarding transportation services for students with disabilities. These examples will help you determine how to report students and expenditures on year-end transportation and financial reports.

EXAMPLE 1: STUDENT TRANSPORTED ON BOTH REGULAR AND SPECIAL ROUTES DAILY

John, a student with a disability, rode the regular bus route from home to a transfer point (usually a school). At the transfer point, John boarded a special route bus and was transported to his special education class in a neighboring district. John attended classes all day in the neighboring district.

John would be reported in the Disabled Category on the year-end transportation report because John received special transportation for part of his trip. The cost of transporting John on both the regular and special bus routes would be reported in Finance Dimension 723 on the year-end financial report.

Regular Route Cost Per Student	$290.00 *
Special Bus Route	$2,625.00
Total Cost of Service	**$2,915.00**

*This amount has to be transferred from Finance Dimension 720, Regular, to Finance Dimension 723, Disabled, using Object 365, Transportation Chargebacks.

EXAMPLE 2: STUDENT TRANSPORTED ON REGULAR ROUTE FOR PART OF YEAR AND A SPECIAL ROUTE FOR PART OF THE YEAR

Julie, a student with a disability, rode on a regular bus route for most of the school year, but required special transportation for a short period of time (e.g., two weeks). The school district contracted with a contractor-owned school bus for the special transportation.

Although Julie qualifies under both the Regular and Disabled Categories, a student cannot be reported in both categories. In this example, the district would report the student in the category where the greatest cost occurred.

Regular Route Cost Per Student	$290.00
Contractor-Owned Vehicle	250.00 *
Total Cost of Service	**$540.00**

Because the greatest cost for transporting Julie occurred on the regular bus route, Julie would be reported in the Regular Category on the year-end transportation report. If the greatest cost had occurred on a special bus route, than all costs are reported in Finance Dimension 723. The cost of transporting Julie on both the regular and special bus routes would be reported in Finance Dimension 720 on the year-end financial report.

*This amount has to be transferred from Finance Dimension 723, Disabled, to Finance Dimension 720, Regular, using Object 365, Transportation Chargebacks, or Object 360, Transportation/Contract.

EXAMPLE 3: STUDENT TRANSPORTED TO WORK EXPERIENCE PROGRAM

Max, a student with a disability, was transported to a shopping center to participate in a work experience program that was identified in his IEP or 504 Accommodation Plan. Max attended his regularly assigned school during the morning and was transported to the shopping center at noon. After working all afternoon, Max was transported home.

The mileage for transporting Max would be reported in the Disabled Category on the year-end transportation report for the trip to the shopping center at noon. The cost of providing this service would be reported in Finance Dimension 723 on the year-end financial report.

Special Route to the Shopping Center	$650.00

Depending on the type of transportation service Max received, Max would be reported in the Regular or Disabled Categories on the year-end transportation report for his trip to school in the morning and from work to home in the afternoon.

EXAMPLE 4: STUDENT TRANSPORTED TO CO-CURRICULAR ACTIVITY OR FIELD TRIP THAT IS REQUIRED BY IEP OR 504 ACCOMMODATION PLAN

David, a student with a disability, was transported to a nature center as part of the requirements identified in his IEP or 504 Accommodation Plan. A management aide accompanied David on this trip. Other non-disabled students also were transported with David on this field trip.

Field trips for nondisabled students would be reported in the Nonauthorized Category, Finance Dimension 733, on the year-end financial report. Because the field trip for David was identified in his IEP, the cost of transporting him would be reported in Finance Dimension 723 on the year-end financial report.

Contract Cost of Field Trip	$200.00
Field Trip Cost Per Student	5.00
Management Aide	42.00
Total Cost of Service	**$47.00** *

David would be reported as an eligible student in the Disabled Category on the year-end transportation report for the special transportation he received from home to school in the morning and from school to home in the afternoon.

*This amount has to be transferred from Finance Dimension 720 or 733, Nonauthorized, to Finance Dimension 723, Disabled, using Object 365, Transportation Chargebacks.

EXAMPLE 5: STUDENT TRANSPORTED FOR CARE AND TREATMENT DURING THE SCHOOL DAY

Kathy, a student with a disability, was transported to care and treatment services as part of the requirements identified in her IEP or 504 Accommodation Plan. Kathy started each day by attending classes in her regular assigned school. She was then transported to the care and treatment program for two hours and then back to her assigned school to complete her school day.

The mileage for transporting Kathy would be reported in the Disabled Category on the year-end transportation report for the trip to and from the care and treatment program. The cost of providing this service would be reported in Finance Dimension 723 on the year-end financial report.

Special Route	$500 00

Kathy would not be reported in any to-and-from school category because she lived less than one mile from school and walked to and from school daily.

EXAMPLE 6: STUDENT ATTENDING DISTRICT UNDER OPEN ENROLLMENT AND TRANSPORTED ON SPECIAL ROUTE FROM HOME TO SCHOOL

Susan, a student with a disability, enrolled in the district under the Open Enrollment Program. Because of Susan's disability, she required special transportation from her home to the school in the nonresident district. The nonresident school district contracted with the parents (or some other private carrier) for this transportation service.

The mileage for transporting Susan would be reported in both the Disabled and Open Enrollment/Outside District Categories on the year-end transportation report. Susan would be counted as an eligible public student in the Disabled Category on the To and From School table on page one of the annual report. The cost would be prorated between Finance Dimensions 723 and 713 on the year-end financial report. Transportation funding for open enrollment students is restricted to the part of the trip that is within the nonresident district boundaries.

To prorate the contract cost of transporting Susan from her home, the school district must keep records on the number of miles traveled in both the resident and nonresident districts. The parents traveled 8600 miles for the year between their home and the nonresident school. The mileage within the resident district was 1720; the mileage in the nonresident district was 6880.

Contractor-Owned (Parent) Vehicle	$1,700 00
Prorated Cost ($1,700 x 1720 / 8600)	**340.00** *

*This amount has to be transferred from Finance Dimension 723, Disabled, to Finance Dimension 713, Open Enrollment/Outside District, using Object 365, Transportation Chargebacks, or Object 360, Transportation/Contract.

For information on year-end transportation reporting, see Personnel Resources List in Chapter 4 for contact person.

Chapter 4: PERSONNEL RESOURCES

This chapter provides a list of:

- Subject areas that are related to school district transporation
- Names of state department personnel who can share information and answers to questions about school district transportation

The following people are members of the Department of Children, Families & Learning, unless otherwise indicated.

Alternative Learning Centers (ALC), and Other Alternative Programs
Glory Kibbel, Enrollment Options, 612/ 296-6105

Charter Schools
Bill Allen, Enrollment Options, 612/ 296-4213

Driver Licensing, School Bus
Barbara Anderson, Pupil Transportation Safety, Dept. of Public Safety, 612/ 215-5777
Dennis Lazenberry, Pupil Transportation Safety, Dept. of Public Safety, 612/ 282-6875

Driver Training, School Bus
Barbara Anderson, Pupil Transportation Safety, Dept. of Public Safety, 612/ 215-5777
Dennis Lazenberry, Pupil Transportation Safety, Dept. of Public Safety, 612/ 282-6875

Education Options Programs (e.g., Open Enrollment, Graduation Incentives, Postsecondary)
Traci LaFerriere, Enrollment Options, 612/ 296-1261 or 800/ 657-3990
Darryl Sedio, Post Secondary Options, 612/296-1425

Equipment Requirements, School Bus
Barbara Anderson, Pupil Transportation Safety, Dept. of Public Safety, 612/ 215-5777
Duane Bartels, School Bus Inspections, Dept. of Public Safety, 612/405-6181
Dennis Lazenberry, Pupil Transportation Safety, Dept. of Public Safety, 612/ 282-6875

Early Childhood Special Education
Jan Rubenstein, Special Education for Early Intervention, 612/296-7032
Robyn Widley, Special Education for Early Childhood, 612/ 296-5007

Homeless Students
Tom Gray, Learner Options, 612/ 296-4322

Inspections, School Bus
Duane Bartels, School Bus Inspection, Dept. of Public Safety, 612/ 405-6181

MARSS Coding and Pupil Accounting
Sharon Peck, Data Management, 612/ 296-1504

Open Enrollment, and other Education Options Programs
Traci LaFerriere, Enrollment Options, 612/ 296-1261 or 800/ 657-3990

Public Safety, Dept of
Barbara Anderson, Pupil Transportation Safety, Dept. of Public Safety, 612/ 215-5777
Dennis Lazenberry, Pupil Transportation Safety, Dept. of Public Safety, 612/ 282-6875

Regular Transportation
Robert W. Fischer, Pupil Transportation, 612/ 296-9610
Linda Schroeder, Pupil Transportation, 612/ 296-2839

Section 504
Lorie Schulstad, Monitoring and Compliance, 612/ 296-7430
Mike Trepanier, Special Education, 612/ 297-7367

Special Education Program Compliance
Darren Kermes, Monitoring and Compliance, 612/ 296-4177
Lorie Schulstad, Monitoring and Compliance, 612/ 296-7430
Barbara Stillwell, Monitoring and Compliance, 612/ 296-0288

Special Education Funding
Robert H. Fischer, Special Education, 612/ 296-4164

Special Transportation
Robert W. Fischer, Pupil Transportation, 612/ 296-9610
Linda Schroeder, Pupil Transportation, 612/ 296-2839
Keith Kupcho, Special Education, 612/ 296-4896

Student Safety Training
Robert W. Fischer, Pupil Transportation, 612/ 296-9610

Training
(see Driver Training, also see Student Safety Training)

Transition, Special Education
Sandra Thompson, Lifework Development, 612/ 296-2965

Transportation
(see Regular Transportation; also see Special Transportation)

Transportation Funding
Greg Sogaard, Education Finance, 612/ 296-8130

Transportation Reporting
Linda Schroeder, Pupil Transportation, 612/ 296-2839

Transportation Safety
Barbara Anderson, Pupil Transportation Safety, Dept. of Public Safety, 612/ 215-5777
Dennis Lazenberry, Pupil Transportation Safety, Dept. of Public Safety, 612/ 282-6875

Tuition Billing, Special Education
Robert H. Fischer, Special Education, 612/ 296-4164
Keith Kupcho, Special Education, 612/ 296-4896

UFARS Accounting
Dennis DeLong, Financial Management, 612/ 296-5017

DCFL General Information Number: 612/296-6104

GLOSSARY

Accommodation Plan	A plan describing the accommodations made for an individual with a disability who requires the accommodations in order to access school programs. See Section 504.
Care and Treatment	The temporary or long-term placement of a student by the courts, human services, school district, parent or legal guardian into a chemical dependency or other substance abuse treatment center, shelter care facility, hospital, day treatment center, correctional facility, residential treatment center, or mental health program.
Change in Placement (or Program)	An action that significantly modifies one or more of the education related conditions specified in an IEP.
Day Treatment	A treatment program that operates for part or all of the day and where the student does not stay overnight at the program site.
Education Choice Programs	Legislation that provides options to students for enrollment in various education programs, other than those assigned by the resident district. Education Choice Programs are: Enrollment Options Program, Open Enrollment, Continued Enrollment for Juniors and Seniors, Graduation Incentives, Grandfather Clause/40 Acre, State Board Approved Exceptions, and parent initiated agreements between school boards.
Enrollment Options	See Educational Choice Programs
Excess Cost	*General*: The portion of a cost that remains after all applicable revenues have been subtracted from the total cost of an item. *Billing Excess Cost* (as defined by the Uniform Tuition Billing Invoice procedures): The cost that remains after all applicable state revenues (e.g., GER, Special Education aid) have been subtracted from the total cost of the education program; the portion that can be billed by the program providing district to the resident school district. (Note: Transportation costs are not included in excess program costs.)
General Education Revenue (GER)	General Education Revenue is the predominant and state guaranteed financial support for Minnesota school districts. It is based on the membership of all students irrespective of special characteristics or needs. It is a combination of local levies and/or state paid funds, the relative proportion of each depending upon a district's taxable property wealth. General education revenue currently consists of six components: basic revenue, compensatory education revenue, training and experience revenue, secondary sparsity revenue, elementary sparsity revenue, transportation revenue, and supplemental revenue.
GER	See General Education Revenue
Homeless Student	A student who has no permanent place of residence.

IDEA	See Individuals with Disabilities Education Act.
IEP	See Individual Education Program.
IFSP	See Individual Family Services Plan.
Individual Education Program (IEP)	A written program plan developed by a team of individuals, to meet the unique educational needs of a student with a disability. The program plan includes a description of special education and related services (e.g., transportation) that will be provided to the student.
Individual Family Services Plan (IFSP)	A written plan for providing early intervention services to a child (required for ages Birth to 3) and the child's family through interagency agreements. Procedural and program requirements for the IEP also apply to the educational components of the Individual Family Services Plan.
Individuals with Disabilities Education Act (IDEA)	Federal legislation that protects the educational rights of children and youth with disabilities.
M.R.	Abbreviation for Minnesota Rule.
M.S.	Abbreviation for Minnesota Statute.
MARSS	See Minnesota Automated Reporting Student System.
Minnesota Automated Reporting Student System	Electronic system by which school districts report individual student information, that in turn allows the state to generate a count of students for calculating state and federal aid to school districts.
Neutral Site	A location where public school educational services can be provided that is off the premises of a nonpublic school, and is neither physically nor educationally identified with the function of the nonpublic school.
Open Enrollment	See Education Choice Programs.
Providing District	For purposes of this document, the providing school district is the district that provides special education services to a child with a disability, but is not the school district in which the child's parent or guardian resides. See Resident District.
Pupil Unit	A pupil unit is a modified student count. It is also called Weighted Average Daily Membership (WADM). For state funding purposes, each student is counted for the portion of the year during which they are enrolled in a school. This figure is then weighted, based on the student's grade level, resulting in pupil units for that student. Pupil units are used for determining general education revenue to school districts, as well as for determining many levy limitations.

Regular Transportation	Transportation provided by the local school district for students who do not require special transportation to get from home to school and from school to home. See Transportation "To and From", also see Special Transportation.
Resident District	For a student with a disability, the district of residence is the district in which the child's parent or legal guardian resides, or the district designated by the commissioner if neither parent nor legal guardian is living within the state.
Respite Care	A temporary short-term placement of a student with a disability for purposes of supervision, assistance and care, in order to provide temporary relief (respite) for the primary care-giver. Respite care is most often provided in the home of a respite care provider. It could also be provided in a facility approved by the state such as a hospital, nursing home or community residential facility.
Revocation of Bus Privileges	A student's school bus riding privilege is taken away for a period of time in accordance with the district's discipline policy. This is not the same as suspension from school. See Suspension.
SAC	See State Aid Category.
Section 504	Section 504 of the Rehabilitation Act of 1973 protects individuals with disabilities from discrimination based on disability.
Shared Time Services	Instructional services provided to nonpublic school students by the public school.
Shared Time Student	A nonpublic school student or home-school student who receives part-time instructional services from the public school.
Special Transportation	Transportation provided to students, who, because of a disability, require special accommodations, e.g., vehicle with a lift, transportation assistant, or special route or schedule. See Regular Transportation; also see Transportation To and From.
State Aid Category (SAC)	A data item entry (code) in MARSS that indicates the statute or program by which a student is enrolled in a district, and thereby the student's eligibility, or ineligibility, to generate state aid.
Suspension	A student's in-school education program is taken away for a period of time in accordance with the district's discipline policy. (This is not the same as revocation of bus privileges. See Revocation)
Transition Program	A program for students with disabilities that, by grade 9 or age 14, promotes movement from school to post-school activities, e.g., post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living and community participation.

Transportation "To And From"	School district provided transportation from home (or day care) to school at the beginning of the school day, and from school to home (or day care) at the end of the school day.
Transportation "During The Day"	School district provided transportation that usually occurs between program and/or building sites, but always during the school instructional day (as opposed to "To And From" transportation).
Tuition Billing	The process by which a school district bills another school district for the educational services provided a non-resident student on an IEP. See Excess Cost. (Note: This topic is outlined in detail in the Uniform Tuition Billing manual published annually).
Type 'A' School Bus	A short body van-type vehicle weighing 10,000 pounds or less, and designed for carrying more than ten persons. See the Appendix for a visual and statutory description (M.S. 169.01, Subd. 6).
Type 'B' School Bus	A moderately short body van-type vehicle weighing 10,000 pounds or more, and designed for carrying more than ten persons. See the Appendix for a visual and statutory description (M.S. 169.01, Subd. 6).
Type 'C' School Bus	A long-body vehicle weighing 10,000 pounds or more, and designed for carrying more than ten persons. The engine protrudes beyond the front of the windshield. See the Appendix for a visual and statutory description (M.S. 169.01, Subd. 6).
Type 'D' School Bus	A long-body vehicle weighing 10,000 pounds or more, and designed for carrying more than ten persons. The engine is behind the windshield which results in a flat or almost flat front on the bus. See the Appendix for a visual and statutory description (M.S. 169.01, Subd. 6).
Type 'III' School Bus	A passenger car, station wagon, van, or bus weighing 10,000 pounds or less, and having a maximum seating capacity for ten persons, including the driver. A Type III school bus cannot be outwardly equipped and identified as a school bus. See M.S. 169.01, Subd. 6 for a statutory description.

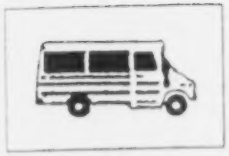
APPENDIXES

A: School Bus Definitions 3
Picture and Description of Type A, B, C and D School Buses

B: Intra-District Choice and Special Education Transportation Concerns 5
Memorandum from Tom Lombard and Dan Bryan, DCFL, to Superintendents, Directors of Special Education, and Supervisors of Transportation; dated November 11, 1997

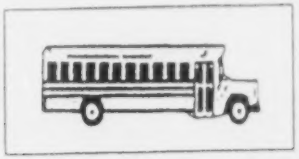
C: Transportation and Open Enrollment 7
Letter from Robert W. Fischer, DCFL, to Hutchinson Public Schools; Dated September 20, 1993

SCHOOL BUS DEFINITIONS

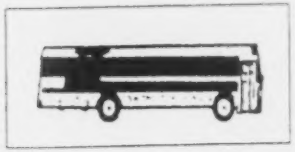


TYPE A: A "Type A school bus" is a conversion or body constructed upon a van-type compact truck or front-section vehicle, with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than ten persons.

TYPE B: A "Type B school bus" is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.



TYPE C: A "Type C school bus" is a body installed on a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels.



TYPE D: A "Type D school bus" is a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat, it may be at the rear of the bus, behind the rear wheels; or midship between the front and rear axles. The entrance door is ahead of the front wheels.

Appendix B: Intra-District Choice and Special Education Transportation

Memorandum from Tom Lombard and Dan Bryan, DCFL, to Superintendents, Directors of Special Education, and Supervisors of Transportation; dated November 6, 1997

MINNESOTA
DEPARTMENT OF

Children, Families & Learning

CAPITOL SQUARE
550 CEDAR STREET
SAINT PAUL, MN 55101-2273

T: (612) 296-6104
TTY: (612) 297-2094
http://cfl.state.mn.us

PLEASE CIRCULATE

MEMORANDUM

TO : Superintendent of Schools
Director of Special Education
Supervisor of Transportation

FROM : Tom Lombard, Manager
Division of Monitoring and Compliance

Dan Bryan, Manager
Division of Management Assistance

SUBJECT : **INTRA-DISTRICT CHOICE AND SPECIAL EDUCATION TRANSPORTATION CONCERNS**

DATE : November 6, 1997

Many districts with multiple attendance areas have allowed parents to choose a school within the district that they would like their children to attend. The parents' choice could be based on programs offered at the other schools, proximity to the parents' work locations, or day care locations. When it is the parents' choice to have their children attend a school outside the normal attendance area, many districts do not provide transportation services from the parents' home to the school that the parents selected. Two exceptions to this, where districts would be required to provide transportation across attendance area boundaries, include: 1) when students with disabilities require specialized transportation because of their disabilities and the needs are specified in the individual education program (IEP), and 2) when the students' enrollment in another school contributes to the desegregation program. There may be other exceptions as well.

Parents of students with disabilities where transportation is not a requirement of the IEP have also chosen schools outside the normal attendance areas. The Department has recently received questions as to whether a district must provide transportation across attendance area boundaries for students with disabilities when it is clearly parents' choice and not a requirement included in the IEP.

(over)

BEST COPY AVAILABLE

The staffs from the Monitoring, Special Education, Enrollment Options and Transportation offices discussed this question along with reviewing relevant statutes. Minnesota Statutes, Section 123.39, provides that local school boards have broad authority when it comes to matters of transportation. A school district may decide to establish attendance areas and to provide transportation only within the attendance areas. As stated earlier, districts may allow parents to choose schools in other attendance areas. The level of transportation service provided to students attending schools in other attendance areas should be clearly defined in the boards' policies.

In order to ensure clarity for both the parents and district administration for students with disabilities when the parents choose a school outside the normal attendance area, it is suggested that the IEP Manager include a statement on the IEP identifying the location of service as a parental choice and what, if any, transportation services may be provided. A suggested statement could include the following: "The location of this service is based on a parental choice, and is not a special education placement."

Further, we suggest that districts have, as part of their board policies, a statement that addresses this issue for students with and without disabilities. Following is a suggested statement to be included in your board policy:

> The school district has established attendance areas for all schools within the district. Students will be transported to and from the school within their attendance area provided they meet the criteria established for distance from school, hazardous conditions, or because of need related to their disability. If space is available in other schools within the district, parents may choose to send their children to another school. The district will not provide transportation from the student's home to the school in the other attendance area when it is parents' choice. The district will provide transportation when the district places the student in the school, when the student's attendance contributes to the desegregation plan, or when there is a need for specialized transportation, because of a student's disability, as specified in the student's IEP.

A district may modify this statement as necessary. This policy cannot, in any way, limit access to transportation as a related service for students with disabilities.

If you have any questions on this issue, please contact Robert W. Fischer at 612/296-9610 or Linda Schroeder at 612/296-2839.

BEST COPY AVAILABLE

Appendix C: Transportation and Open Enrollment

Letter from Robert W. Fischer, DCFL, to Hutchinson Public Schools,
Date September 20, 1993

MDE
MINNESOTA DEPARTMENT OF
EDUCATION

Capitol Square 550 Cedar Street
Saint Paul, Minnesota 55101, 612 296 6104

September 20, 1993

Gary Swenson, Superintendent
Hutchinson Public Schools
30 Glen Street North
Hutchinson, MN 55350

Dear Mr. Swenson:

This is in response to a recent conversation with Peter Malmberg regarding transportation for a disabled open enrollment student.

Peter and I discussed the interpretation of state laws and rules regarding this type of situation. I believe that the Legislature did not anticipate that disabled students would take advantage of open enrollment. Therefore, the laws and rules do not address the issue.

Last year, I talked to Rick VanSant, Office of Monitoring and Compliance, about this very subject after receiving questions from another district. Rick provided me a copy of the EDUCATION FOR THE HANDICAPPED LAW REPORT (16 EHLR 554, pp. 554-557) which is dated May 4, 1990. This reference seems to apply to the issue in question. I will try to briefly summarize some of the main points:

a. Federal law takes precedence over state laws.

b. The Office of Special Education and Rehabilitative Services (OSERS) and the Office of Civil Rights (OCR) agree that, "in an interdistrict choice program...the district which is allocated the responsibility to provide the FAPE is also the district which must provide transportation as a related service...."

c. If parents are going to sue anyone, they would have to sue the serving district.

d. "...if transportation is not required as a related service, such transportation need not be provided to the child with handicaps, if nonhandicapped children do not receive this service."

BEST COPY AVAILABLE

In conclusion, I feel that I have to tell you what you need to hear rather than what you would like to hear. If disabled students open enroll and, if those students need transportation from home to school as a related service, the district is obligated by Federal law to provide such service. The fact that state laws do not provide funding for such service does not relieve you of the responsibility.

It may be of some comfort to know that the Department of Education recognizes the seriousness of this matter and has started a legislative initiative to provide adequate funding for such situations.

I'm enclosing a copy of 16 EHLR 554 for your review. If you have any further questions concerning this matter, please contact me.

Sincerely,

Robert W. Fischer
Pupil Transportation Specialist

cc. Peter Malmberg

BEST COPY AVAILABLE